

08-0-1232

AN ORDINANCE

BY: COUNCIL MEMBER MARY NORWOOD

**AN ORDINANCE REQUIRING COMPLIANCE WITH PROVISIONS OF ORDINANCE 03-O-2212, AS AMENDED BY ORDINANCE 04-O-0930 REGARDING WRITTEN QUARTERLY STATUS AND PROGRESS REPORTS ON EFFORTS TO REDUCE BURDEN ON RATEPAYERS PRIOR TO APPROVAL OF ANY FURTHER INCREASES IN THE CITY'S WATER AND SEWER RATES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council, by a 15-0 vote, adopted 03-O-2212 on January 5, 2004 and the Mayor approved 03-O-2212 on January 9, 2004 amending Chapter 154 Article III, Division 3, Section 154-111 and 154-112 (Water Rates and Charges) and Chapter 154 Article V, Division 3, Section 154-276 and 154-277 (Sewer Rates and Charges) to increase the water and sewer rates, among other things; and

**WHEREAS**, 03-O-2212 was amended by 04-O-0930, adopted by City Council on June 7, 2004 and approved by the Mayor on June 8, 2004, by adding a new Section 6 to 03-O-2212 mandating that sales tax revenues generated by the Municipal Option Sales Tax, if approved, be used to "reduce the City of Atlanta's water and sewer rate structure on a dollar for dollar basis" and renumbering existing Sections 6 through 11 of 03-O-2212;

**WHEREAS**, 03-O-2212, Section 7 (Section 6 prior to amendment by 04-O-0930) provides that: "The Mayor or her designee shall provide the City Council on a quarterly basis, in writing, a status and progress report before the Finance Committee and the City Utilities Committee, a status and progress report specifically detailing the efforts and initiatives undertaken by the City to reduce the burden on ratepayers through (1) value engineering activities, (2) collection of delinquent in-city and inter-jurisdictional accounts, (3) fine-tuning the appropriate allocation of fees based on actual usage by ratepayers, (4) lobbying efforts with local, state, and federal sources, and (5) receipt of funds from other sources; and

**WHEREAS**, the City's Department of Watershed Management has proposed another series of rate increases in the Water and Sewer Rates, provided for in proposed ordinance 08-O-0744, providing for Water and Sewer Rate increases effective July 1, 2008 of twenty-seven and one-half percent (27.5%), further rate increases of twelve and one-half percent (12.5%) effective July 1, 2009 and July 1, 2010 and an additional rate increase of twelve percent (12%) effective July 1, 2011; and

**WHEREAS**, the proposed rate increases are in excess of the maximum three percent (3%) annual rate increases for calendar year 2009 and thereafter provided for in 03-O-2212, Section 4; and

**WHEREAS**, the Council's Finance Committee and City Utilities Committee have not been provided the quarterly written reports required by 03-O-2212, which reports are separate and apart from those reports involving compliance with the Consent Decrees to which the City is subject; and

**WHEREAS**, on May 5, 2008, the City Council adopted 08-R-1014, a resolution requesting, among other things, an audit of the City Department of Watershed Management Water and Sewer Fund, which resolution was vetoed by the Mayor on May 15, 2008, but unanimously overridden by City Council on May 19 2008; and

**WHEREAS**, 08-R-1014 does not have the force of law and does not mandate performance of the requests contained therein and, therefore, may or may not be implemented by the City; and

**WHEREAS**, the City Council seeks to require the information that would have been contained in the quarterly reports mandated by 03-O-2212 before approving any further or more substantial rate increases than are approved in 03-O-2212;

#### **THE COUNCIL OF THE CITY OF ATLANTA HEREBY ORDAINS**

**SECTION 1:** That the Mayor or her designee shall comply fully with the obligations contained in 03-O-2212, including providing the City Council with all of the quarterly written reports required by Section 7 (Section 6 prior to amendment by 04-O-0930) thereof.

**SECTION 2:** That the City Council shall not approve any additional or further Water and Sewer Rate increases until the Mayor or her designee has satisfied all of said obligations imposed by 03-O-2212 and given City Council a minimum of four weeks to evaluate and consider the information contained in the written reports.

**SECTION 3:** That all ordinances or parts in conflict herewith, be and the same are hereby repealed.